



City of Surprise
Disability Advisory Commission (DAC)
Wednesday, July 18, 2012 – 6:00 P.M.
Surprise City Hall – Council Overflow Room
16000 N. Civic Center Plaza
Surprise, Arizona 85374

MINUTES OF THE MEETING

Members Present:

John Yaeger, Vice Chair
Michelle Lewis
Roland Winters
Shelia Kaiser
Alyson Cline

Staff Present:

Misty Leslie, Assistant City Attorney
Michael Mason, Risk Manager
Ricka Gallagher, Risk Analyst

Members Absent:

Michelle Hernandez, Chair

Commissioner Jones arrived at 6:14pm

1. **CALL TO ORDER**

Vice Chair Yaeger called the meeting to order at the Surprise City Hall, Council Overflow Room, 16000 N. Civic Center Plaza, Surprise, Arizona 85374, on Wednesday, July 18, 2012 at 6:07pm.

2. **CURRENT EVENTS AND REPORTS**

Commissioners Kaiser and Jones had nothing new to report.

Commissioner Cline reported that the safety issue with the lights not coming on in the public library restrooms quickly has been resolved. It was determined the sensors were set too high and were automatically shutting off after a period of no use. The lighting was changed so that there is now a continuous light, similar to a night light, that illuminates the restrooms enough for patrons to see, and then the sensors are triggered turning the rest of the lights on. Commissioner Cline also is working with staff to get funding to fix the library doors. Mr. Mason provided her with a grant valued at \$5,000 that is available to pay for the door improvements. The City's Grant Coordinator or the Commission will need to present the grant to the Council for approval and then apply on behalf of the City. Vice Chair Yaeger inquired if the grant funding could be obtained after the improvements have been made. Commissioner Cline was not sure due to the limited information on the grant provided to her. Mr. Mason mentioned this is something that this Commission would need to bring forward to the Council for approval, and suggested this is something that should coincide with the Commission's Strategic Plan presentation to Council. Mr. Mason also mentioned the discussion about the grant is an item for a future agenda.

Commissioner Winters mentioned a recent article in the *Arizona Republic* about Joe Gladieux and his programs and he praised Joe for all his efforts.

Vice Chair Yaeger reminded the group to turn in or email to him their bios for the website. He also had a recent meeting with the Ultra Star Cinemas manager about the problem with the entry doors to the venue. The venue is accessible except for these doors. The manager explained when a patron with disabilities visits their venue, the protocol is to have the patron knock on the door and a staff person on the inside will let him/her in. Vice Chair Yaeger encouraged the manager to look into retrofitting the doors to become automatic, similar to the doors at the library. He will follow up with them this month.

Commissioner Lewis also met with Ultra Star Theaters about open captioned movies.

3. STAFF REPORTS

Mr. Mason mentioned Mr. Lynch was asked about updating the DAC webpage. Mr. Lynch stated that he does not have the staffing or the resources to update the webpage above the statutorily required updates, unless Council agrees to fund his staff time to update it. Vice Chair Yaeger would like to discuss this with Mr. Lynch further. Commissioner Cline asked if a meeting could be arranged with Mr. Lynch to determine what costs are involved in doing this. Her view is the Commission cannot go to Council requesting funding for this without dollar figures. Mr. Mason stated he could ask Mr. Lynch to attend a future DAC meeting.

4. PUBLIC COMMENTS

Mr. Andy Cepon, citizen, commented on the public meeting process as it relates to calls to the public. It was determined that calls to the public would work best if, after each item is discussed, an inquiry be made to the audience by the meeting chair if there are any public comments, even though the agenda cannot specifically list it that way. He believes this group needs to be visible and vocal with Council. Otherwise, they won't be able to justify their purpose and could be eliminated.

Commissioner Kaiser also clarified that the public also has the right to speak before agenda items are discussed if the comments are not debated or responded on by the Commission. The issues brought forth by the public may or may not have anything to do with the specific agenda items.

Mr. Jim Olmstead, citizen, commented that the agenda states that the public body will not reply to citizen comments. He is also very pleased to see a full DAC body. From his experience, he believes this group needs to communicate not only with other City boards and commissions, but with other boards and commissions in the Valley. He recommended this group get in touch with Darrell Christensen, Director of Community Integration for Arizona Bridge to Independent Living. The other contact is Cindy Brown, Program Development Coordinator for the Arizona Office for Americans With Disabilities. These individuals can help this group. This group also

needs to be more involved with the City's Planning & Zoning Commission and with the building standards to enhance visitability. He also suggested the group attend the Disability Expo at the Diamondbacks Stadium, July 29, 2012 before the game. There will be many folks there with backgrounds in ADA and disabilities. He also believes this group needs to be aggressive with the community and the Council. The only way this group will get Council's attention as to what the DAC is up to is to present them with hardcopy minutes of the DAC meetings and to get to know the Council individually.

5. **AGENDA**

Vice Chair Yaeger announced that Item #4 be moved up to Item #2 on the agenda.

A. Approval of the June 20, 2012 regular meeting minutes

Commissioner Winters motioned to approve the minutes; Vice Chair Yaeger seconded. Motion passed 6-0.

B. Open Meeting Law presentation by Misty Leslie, City Attorney's Office

Mrs. Leslie gave a general overview on Open Meeting Law/Robert's Rules of Order to the group. Some general concepts covered are:

- The Chairman has the authority to move items around on the agenda, provided it is for meeting efficiency.
- The Chairman has the right to vote, make motions and second motions of legal actions of this Commission.
- Open Meeting laws apply to both the Commission as a whole, but also any subcommittees. Subcommittees are considered public bodies and the public is invited to attend. Mrs. Leslie will research this further and get back to the Commission.
- Multiple meeting dates can be agendized and posted in advance and, if any meeting is cancelled, the meeting can be noted as "cancelled" and any agenda changes can be made so long as they meet the notice requirements.
- A meeting is defined as "a gathering whether it be in person, by phone, by webcam, etc." where a quorum is established and items are discussed, proposed or take legal action.
- A quorum can be established by means of correspondence, faxes, texting, phone calls, or emails (e.g., if Commissioner Winters emails Vice Chair Yaeger a suggestion about the Strategic Plan, then Vice Chair Yaeger agrees and then emails the same question to Commissioner Jones, who agrees and then forwards the question to Commissioner Cline, this results in an Open Meeting law violation as the chain of emails was a discussion of a legal action item that should have been formally agendized.)

- A quorum can also be established when a commissioner uses staff as a conduit for transmitting information or ideas, or for polling other commissioners on legal action items. This was a big problem in the past for the City.
- If a member of one subcommittee brings an idea to another subcommittee member on a legal action item that applies to both subcommittees and is discussed, that is an Open Meeting law violation.
- Commission teleconferencing or webcam (e.g., Skype) is allowable to establish a quorum (provided the venue has the capabilities).
- It is recommended if a commissioner has information or a question that s/he wants to share with the other commissioners to send that information to staff. Staff will then send a new email to the group with just the factual information. Staff cannot forward emails from a commissioner to other commissioners nor can staff comment or paraphrase what the initial commissioner's intent is to the other commissioners.
- It is also recommended that agenda items be listed generically so that ideas and discussion can be free flowing between the commissioners.
- The Chairman is responsible for determining what items the agenda will contain. A formal vote to add items on the agenda is not required.
- If a violation of Open Meeting laws does occur, any vote taken on a legal action item is then voided. This then requires ratification within 30 days of discovering the violation. If this occurs, contact the Legal Department as the matter needs to be agendized in a special way.
- If a commissioner has a conflict of interest (defined as "having any interest (perceived or otherwise) in a decision, contract, sale or purchase involving the City") on an agenda item, the commissioner should disclose the conflict and cannot vote or participate in any manner on that item.
- Commissioners cannot give, aid or donate public funds to any association or corporation unless there is a *quid pro quo* (e.g., approximately equal benefit value to the City/public good as to the funding offered).

C. Discussion on current DAC subcommittee work on DAC Strategic Plan

Since the July 9, 2012 DAC Workgroup meeting did not take place, Vice Chair Yaeger and Commissioner Kaiser suggested multiple dates for the DAC to hold Workgroup meetings to get the Strategic Plan created and finalized. Commissioner Cline requested Mondays are the best day for Chair Hernandez to attend. Vice Chair Yaeger decided Mondays at 6pm in the Council Overflow Room (provided it is available). The available dates are:

7/30/12

8/6/12

8/13/12

The next regular meeting is August 15, 2012. If the group gets their mission accomplished early, the remaining dates will be cancelled. Vice Chair Yaeger will email Chair Hernandez to verify her availability for the July 30, 2012 meeting. Staff will email the group that the meeting will be scheduled for these dates and location once arranged with the Clerk.

Commissioner Jones inquired when the Commission plans to present the Strategic Plan to Council. Vice Chair Yaeger responded the goal is September 2012. Commissioner Jones inquired when the Council meets in September. Commissioner Cline responded the Council meets September 11th and September 25th. Vice Chair Yaeger believes the September 25th date is more realistic date for the Strategic Plan presentation.

Commissioner Cline mentioned that, depending on what the DAC Strategic Plan contains, if funding is requested, the Plan needs presented to the Council at a Workgroup meeting. If not, it could be presented at a regular Council meeting.

D. Action items to include on future agendas

Vice Chair Yaeger scheduled the below items for the following meeting agendas:

- Finalizing DAC Strategic Plan (7/30/12, 8/6/12 and 8/13/12 workgroup meetings)
- Discussion with city management about outreach avenues to the public (7/30 meeting preferably dependent on staff availability)
- Discussion about grant opportunities and submittals to Council (if Mrs. Gaskins is available to attend one of the workgroup meetings)
- Sign-up sheet for DAC members to sign up to attend other Board & Commission meetings (8/15/12 regular meeting)
- Discussion and clarification on procedures regarding calls to the public (7/30 meeting)

6. ADJOURNMENT

Commissioner Winters motioned to adjourn the meeting. Commissioner Cline seconded the motion. Motion passed 6-0. Vice Chair Yaeger adjourned the meeting at 8:21pm.

Michael E. Mason

Michael E. Mason, Risk Manager